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SUPREME COURT OF THE UNITED STATES.

No. ~~200~~ 120.

THE UNITED STATES, APPELLANTS,

vs.

RAMONA CARRILLO DE WILSON.

APPEAL FROM THE DISTRICT COURT UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

G. S. Gideon, Printer, 511 Ninth street, Washington, D. C.

IN THE

Supreme Court of the United States.

THE UNITED STATES, Appellants.	No. 119.
vs.	December Term.
JOHN WILSON.	1861.

APPEAL FROM THE SOUTHERN DISTRICT OF CALIFORNIA.

The district court confirmed to the claimant in this case a tract of land in the county of San Luis Obispo, known by the name of "Huerto de Romualdo," or "El Chorro," a thousand varas in length, and three hundred varas in width.

The title was derived from—

1st. An alleged allotment or distribution by Bonilla, alcalde of San Luis Obispo, of lands to the Indians of that mission, under an order of Governor Alvarado, dated the 9th of September, 1842—this tract being allotted to the Indian Romualdo by a special order of the governor.

2d. Judicial possession delivered to Wilson, assignee of Romualdo, by Victor Lenare, provisional alcalde, on the 28th of June, 1846.

3d. A *titulo* or grant by Pio Pico to Romualdo, dated July 10, 1846.

4th. Judicial possession under that grant delivered to Juan Wilson by Inocente Garcia, auxiliary magistrate, on the 11th of July, 1846.

There is no record evidence of the order of Alvarado, nor of the allotment by the alcalde—the only evidence on the subject is the testimony of Bonilla, and a certificate of Alvarado, purporting to be dated May 2d, 1846.

The pretended grant by Pico is not authenticated by any legal proof, and is dated after the conquest of California.

Bonilla proves possession by the Indian Romualdo in 1841.

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BRIEF OF POINTS AND AUTHORITIES.

1st. No confirmation can be had under the pretended grant by Pico, as its execution and delivery before the conquest is not shown.

Cambustino's case,	21	Howard,	59.
Fuentes,	22	"	443.
Pico,	"	"	406.
Teschmaker,	"	"	392.
Vallejo,	"	"	416.
Bolton,	23	"	341.
Osio,	"	"	273.
Luco,	"	"	515.
Pico,	"	"	321.
Palmer,	24	"	125.
Castro,	"	"	346.

2d. The claim must rest upon the testimony of Bonilla, and the fact of possession.

EDWARD BATES,
Attorney General.

EDWIN M. STANTON,
Counsel for the United States.

SUPREME COURT OF THE UNITED STATES.

No. 200.

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GIDEON, Print.

1537

OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

Be it remembered, that on this twelfth day of February, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Ramona Carrillo de Wilson, for the place named "Suez," was presented and ordered to be filed and docketed with No. 41, and is as follows, to wit:

(Vide page 3 of this Transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

LOS ANGELES, *October 11th*, 1852.

In case No. 41, Ramona Carrillo de Wilson, the counsel for the claimant moved to place the same on trial docket. Motion taken under advisement.

SAN FRANCISCO, *Dec. 31st*, 1852.

In case No. 41, Ramona Carrillo de Wilson, for the place named "Suez," the deposition of Jose Maria Covarrubias, a wituess on behalf of the claimant, taken before Commissioner Hiland Hall, with document marked H. H. No. 1, annexed thereto, was filed, and is in the words and figures as follows, to wit:

(Vide page 5 of this Transcript.)

SAN FRANCISCO, *Feb'y 28th*, 1853.

On motion of the United States associate law agent, ordered that case No. 41 be placed on the trial docket.

SAN FRANCISCO, *March 8th*, 1853.

In case No. 41, Ramona Carrillo de Wilson, for the place named "Suez," the counsel for the claimant filed the following stipulation, to wit:

(Vide page 41 of this Transcript.)

SAN FRANCISCO, *Mar. 26th*, 1853.

Case No. 41, Ramona Carrillo de Wilson, for the place named "Suez," called, the counsel for the claimant, Mr. Halleck, read

the petition and the papers in evidence; the United States ass't law agent read and filed his brief; submitted and taken under advisement by the board.

SAN FRANCISCO, *Ap'l 11th*, 1853.

In case No. 41, Ramona Carrillo de Wilson, for the place named "Suez." Commissioner Hiland Hall delivered the opinion and decree of final confirmation; ordered that the said opinion and decree of final confirmation be recorded on the records of this board.

Which opinion and decree are as follows, to wit:

(Vide page 43 of this Transcript.)

Petition.

To the Honorable Commissioners to settle private land claims in California.

The petitioner, Dona Ramona Carrillo de Wilson respectfully shows:

That on the 6th day of April, A. D. 1837, Juan B. Alvarado, governor of California, was by virtue of authority in him vested, granted to the petitioner, then named Ramona Carrillo, the tract of land known by the name of Suez, situate in the county of San Lewis Obispo, containing a little more than five square leagues, with the boundaries described in the grant, and noted on the respective map.

That on the 19th day of April, A. D. 1837, the deputation of California approved the said grant in due form of law.

That on the 6th day of June, 1842, the said tract of land was duly surveyed, and the juridical possession of it given by the proper authority to the petitioner.

That she knows of no conflicting claim; that the said land has not been surveyed by the Surveyor General of the United States, but that it was surveyed by the proper authority at the time of giving the juridical possession of it, and its boundaries marked out.

That the petitioner ever since the date of said grant has been and now is in the quiet, peaceable, and full possession and occupation of the said land so granted her, and she submits herewith copies of the said grant, approval, map and juridical act of survey and possession marked A, with translation marked B.

The petitioner *sites* for confirmation of title upon the original papers, copies of which are hereto annexed, upon the papers and minutes relating to the same in the archives now in possession of the surveyor general, and upon such other proofs as may be advised are necessary.

Wherefore she prays the commissioners to confirm to her the aforesaid grant.

By her Att'ys, HALLECK, PEACHY & BILLINGS.

Filed in office Feb'y 12th, 1852.

GEO. FISHER, *Sec'y.*

Deposition of Jose Maria Covarrubias.

SAN FRANCISCO, *Dec.* 31*st*, 1852.

On this day, before Commissioner Hiland Hall, came Jose Maria Covarrubias, a witness in behalf of the claimant, Ramona Carrillo de Wilson, petition No. 41, and was duly sworn, his evidence being given in Spanish, and interpreted by the secretary.

The U. S. associate law agent was present.

In answer to questions by counsel for the claimant, the witness testified as follows:

My name is Jose Maria Covarrubias; my age is 44 years; I reside in Santa Barbara, and have lived in California 18 years. I have examined the document before me, marked H. H. No. 1. I am acquainted with the signatures of Manuel Jimeno, Joaquin Carrillo, Guellermo G. Dunat, Antonio Rodreguez; their signatures to this document are genuine. I know the rancho of Suez; it is in the present county of San Louis Obispo; it has been occupied by Dona Ramona Carrillo de Wilson, or her family and servants since 1837; she has had a house on it since that time, and has her servants, cattle and horses on it at the present time.

JOSE M. COVARRUBIAS.

Sworn and subscribed before me.

HILAND HALL,
Com'r.

Filed in office Dec. 31, 1852.

GEO. FISHER, *Sec'y.*

Espediente.

Sobre el parage nombrado Suez, slicitado por D'a Ramona Carrillo.

1837.—144.

Sello Tercero.—Dos Reales.

Habilitado provisionalmente por la aduana maritima de Monterey, de la Alta California para los añes de mil ochocientos treinta y seis y mil ochocientos treinta y site.

GUTIERREZ. A. RAMIREZ.

S'or Gefe Sup'r Politico:

Maria Ramona de la Luz Carrillo, natural de S'n Diego de este territorio ante V. S. condevida respecto y subordinacion hace presente que a la muerte repentura que sucedio a su anterior esposo Don Romualdo Pacheco quedo con dos higos herederos a uña cantidad de ganado mayor en un parage llamada S'ta Rosa, colindante con los sitios de Sime y Las Rosas, desde entonees el Señor Don Jose Noriega, y este s'or dice q'. Sta Rosa es terreno perteneciente a Sime. Y que fue prestado no mas por un tiempo,

pues como no hay documento para consta en que modo lo tuvo el difunto Don Romualdo, suplico V. S. otro sitio llamado Suez, perteneciente a la ex-mision de la purissima y dista de alli diez leguas.

Este sitio tiene al N. O. a Nepoma, N. E. la Sierra, S. E. a Santa Maria y S. O. por el llano llamado la larga como esplica el diseno que acompano.

Por tanto a V. S. rendidamente pido y suplico se serva en su recta justicia decretar a mi favor que internamente puedo ir fundando d'ho sitio pa. que no siga atasos a mis bienes mientras sea la reunion de la ex'ma diputacion para que me sea concedido la propiedad.

Si lo hallase en justicia y derecho pues espero recivir gracia y merced.

S'ta Barbara, 20 de Sept., de 1836.

RAMON CARRILLO.

MONTEREY, 30 *de Sep., de* 1836.

De conformidad con las leyes y reglamentos de materes, informe el y. ayuntamiento de S'ta Barbara si la interesado en esta instancia tiene los requisitos necesarios para ser atendida si el terreno que solicita esta comprendido en las 20 leguas limitrofes y los litorales que espresa la ley de 18 de Ag'to de 1824, si pertenece a la propiedad de algun particular mision, corporacion o pueblo, si es de temporal regadio o abrevadero: con todo lo demas, que crea conducente a ilustrar la materia.

Evacuada esta, diligencia pasara este espediente al adm'r de la purissima para que esponga lo que le occura sabre el particular.

El S'r Dn. Nicolas Gutierrez, teniente coronel de cabelleria permanente comandante general, inspector y gefe politico interiome de la Alta California, asi lo mando, decreto y firmo de que doy fe.

NICOLAS GUTIERREZ.

MANUEL MA. GONZALEZ,
S'rio Inter'r.

Sello Tercero.—Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maratima de Monterey, de la Alta California, para los anos de mil ochocientos treinta y seis y mil ochocientos treinta y siete.

A. RAMIREZ.

GUTIERREZ.

S'TA BARBARA, 5 *de S'tre, de* 1836.

En esta f'ha sidio cuenta al ayunt'to con este espediente y se acordo pasase a la comision de terrenos valdios. Por falte de secretario.

SANTIAGO LUGO, *Int'o.*

Y Ayunt'o.

La comision de terrenos valdios se ha impuesto del espediente

promovido por Da. Ramona Carrillo solicitando el parage de Suez, y encuentra ser un terreno baldio q. pertenese a la X-mision de la Purissima dister de d'ha X-mision diez leguas poco mas o menos y que no le hace falta por tener muchos mas desocupado que no se hayer comprendido en las veinte leguas limitrofes pero si en las diez litorales que espresa la ley de diez i ocho de Ag'to, de 1824, que no es de regadio, y si de temporal que la parte de Da. Ramona Carrillo, q. la solicita tiene todos los requisitos que previene la ley para ser atendida en su solicitud por lo que la comision concluye poniendo a la deliberacion del ayun'to la siguiente proposicion puede consederle la Da. Raymona Carrillo el terreno conocido con el nombre de juez.

S'ta Barbara, 5 de S'bre, de 1836.

SANTIAGO LUGO.

VALENTINE COTA.

S. G. S. P.

En complimiento del superior decreto marginal de V. S. de f'ha de 31 de S'bre, del presente año, este ayunt'o ynforma a V. S. en yguales terminos que el antecedente dictamen de la comision por ser conforme en todas sus partes.

Santa Barbara, y 7 de N'bre, 1836.

GUILLERMO G. DANA.

Assa: ESTEBAN ORTEGA.
Assa: JOSE MA. GARCIA.

Ex'ma Sr. Gobernador.

En complim'to del supr. decreto de 31 de S'bre, de 1836, informe que pueda consedersele a la interesado el terreno ql. solicita.

S'ta Barb'a, Marzo, 11 de 1837.

JOAQ'N CARRILLO.

S'TA BARB., *Ab'l* 6, de 1837.

Vista la peticion con que da principio este espediente el informe del iltre. ayuntamiento de este municipalidad con todo lo mas que se tubo presente y lu convino, de conformedad con lo dispuerto pr. las leyes y reglamentos de la materia, se declara a la S'a Da. Ramona Carrillo duena en propiedad del terreno conocido con el nombre de Suez, demarcado en el diseno que acompano a su solicitud y bajo los linderos que en el se espresan sugetandose a las condiciones establecidas en la ley de diez ocho de Agosto de ochocientos y veinte y cuatro, y al reglamento de veinte uno de Noviembre de mil ochocientos veinte y ocho, librase el despacho correspon'te tomese razon en el libro respectivo y dirijon este espediente a la ex'ma deputacion pa. su debida aprobacion en cuyo caso la interesada aquien se le hara saber este decreto presentara me-

ram'te su titulo pa. que se de revalde. Asi el Sor D'n Juan B. Alvarado, gob'dor interino del estado y presedente de la ex'ma diputacion del mesmo lo decreto mando y firmo de que doy fe.

JUAN B. ALVARADO.

COSMA PENA,
S'rio del Despacho.

En la f'ha interesada le S'ora D'a Ramona Carrillo del superior decreto que antecede dijo que estaba conforme y que compliria con las condiciones que en el se espresan.

RAMONA CARRILLO.

LIEDO COSMA PENA,
S'rio del Despacho.

[*For map see original, page* 13.]

El ciudadano, Juan B. Alvarado, Gobernador interino del estado y Presidente de la ex'ma diputacion del mismo.

Por cuanto Madama Ramona Carrillo, Mejicana por nacim'to, ha pretendido p'a su beneficio personal y el de su familea el terreno conocido con el nombre de Suez, dentro de los linderos senalado en el diseno que a compano a la solicitud de d'ho sitio, practicadas previam'te las diligencias concernientes, segun lo dispuesto p'r leyes y reglam'tos mando de las facultades, que me son, conferidas a nombre de la nacion Mejicana, he venido en concederle el terreno mencionado declarandole la propiedad de el p'r las presentes letras estendiendose d'ho concesion conentera conformidad a lo dispuesto p'r las leyes, a reserva de la aprobacion de la ex'ma diputacion y bajo las condiciones, siguientes.

1a. La agraciada ni sus herederos podran divider ni enagenar el que se le adjudica, imponer censo vinculo, franza, h'poteca ni otro gravamen, aunque sea p'r causa piadosa ni pasarlo a manos muertos.

2a. Podro cercarlo sin perjudicar las travesias caminos ni servidumbres, lo desfrutara libre y esclusivamente destinandolo al uso o cultivo que mas le acomode.

3a. Cuando se le confirme la propiedad solicitara del juez respectivo le de posecion juridica en virtud de este despacho, p'r el cual se demarcaran sus linderos y pondra sus mohoneros.

4a. El terreno de que se hace donacion espuram'to el que se contiene dentro de los linderos que se demarcan en el diseno que corre agregado en este espediente; y el juez que porecionore a la interesada dara aviso a este gob'no del mismo de los sitios que comprende.

En consequencia mando que serviendole de titulo el presente y teniendose p'r firme y valedero se tome razon en el libro que corresponde y se entreque a la interesada p'a su resguardo y demas fines convenientes.

Dado en la ex-mision de Sta. Barb'a a de Abril, de 1837.

ALVARADO.

L. COSMA PENA,
S'rio del Despacho.

Ex'mo. Sor.

La comicion nombrado de tierras valdios impuesta del exp'dte formado p'r Dona Ramona Carrillo en solicitud del parage nombrado Suez pone a la deliveracion de V. E. la siguiente proposicion.

Se concede a D'a Ramona Carrillo el sitio nombrado Suez p'a q'e lo posea en propiedad conforme a la ley de 18 de Ag'to, de 1824 y el art'o 5o del reglam'to de 21 de N'bre de 1828.

Sta. Barb'a Abril 12, de 1837.

JOSE A DE LA G'RRA Y CARRILLO.

ANTONIO BUELNA.

STA. BARB'A, *Abril* 19, *de* 1837.

En sesion de este dia aprobar la corporacion la anteced'te proposicion determinando buelva el exped'te al gob'no p'a los fines q'e son conseg'te.

VICTOR PRUDHOMME. ALVARADO.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, surveyor general of the United States for the State of California, and as such now having in my office and under my charge and custody, a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, do hereby certify that the twelve preceeding and hereunto annexed pages of tracing paper, numbered from one to twelve inclusive, and each of which is verified by my initials, (S. D. K.,) exhibit true and accurate copies of certain documents on file, and forming part of the said archives in my office.

In testimony whereof, I have hereunto signed my name officially, and affixed my private seal, not having a seal of office, at the city of San Francisco, this 31st day of January, A. D. 1852.

SAM'L D. KING,
Surv. Gen'l Cal'a.

Filed in office Sept. 22d, 1852.

GEO. FISHER, *Sec'y.*

Translation of Espediente.

Stamp Third.—Two Reales.

Provisionally authorized by the administrator of the maratime

custom-house of Monterey, of Upper California, for the years 1836 & 1837.

(S'gd) A. RAMIREZ.

(S'gd) GUTIERREZ.

Senor Superior Political Chief:

Maria Ramona de la Juz Carrillo, a native of San Diego, of this territory, before your excellency with due respect and subordination represent, that on the sudden death which happened to her former husband, Don Romaldo Pacheco, she was left with two sons, heirs to a number of neat cattle, in a place called Santa Rosa, adjoining the places of Sime and Las Rosas; since that time Sime has been sold to Senor Jose Noriega, and this person says that Santa Rosa is a land pertaining to Sime, and that it was lent for a time only, as then there is no document to show in what manner the deceased Don Romaldo, held it, she prays of your hon'e excellency another place called Suez pertaining to the ex-mission of La Purissima, and ten leagues distant from it. This place has Hipomo on the northwest, on the northeast the Sierra, on the southeast Santa Maria, and southwest the place called La Larga, as shown by the accompanying map, wherefore she earnestly prays and beseeches your excellency in your right justice to be pleased to decide in her favor, that she may in the meantime go on founding said place, that she may suffer no reverses in her property, until the most excellent deputation meets, that it may be granted to her in fee, if you should find it to be in justice and law, for she expects to receive favor and grace.

Santa Barbara, Sept. 20, 1856.

(Signed) ROMANO CARRILLO.

MONTEREY, *Sept.* 31, 1836.

In conformity with the laws and regulations on the matter, let the illustrious ayuntamiento of Santa Barbara report whether the person interested in this petition united the necessary requisites to be attended to. Whether the land which she solicits is included in the 20-border leagues, and 10-litoral ones, which the law of Aug. 18, 1824, mentions; whether it belongs to the ownership of any individual, mission, corporation or pueblo; if it is dependent on the seasons, irrigable or pasture land, with all other things which it may believe conduce to clear up the matter. This act being complied, it will pass the espediente to the administrator of La Purissima, that he may report what he knows on this matter. Senor Don Nicholas Gutierrez, lieut. colonel of permanent cavalry, commanding general, ynspector and political chief ad interim of Upper California, thus ordered, decreed and signed, to which I certify.

(S'gd) MANUEL MA. GONZALEZ.

NICHOLAS GUTIERREZ, *Secretary ad interim.*

SANTA BARBARA, *Nov.* 3*d*, 1836.

On this day this espediente was reported to the ayuntamiento, and it was ordered that it pass to the committee on vacant lands.

For the secretary:

(S'gd) SANTIAGO LUGO, *Ad interim.*

To the Illustrious Ayuntamiento: The committee on vacant lands has examined the espediente moved by Dona Ramona Carrello, asking for the place of Suez, and finds that it is a vacant land pertaining to the ex-mission of La Purissima, distant from said ex-mission ten leagues, a little more or less, and which does not need it, having many others unoccupied; that it is not included in the twenty-border leagues, but is within the ten-litoral, which the law of Aug. 18, 1824, refers to; that it is not irrigable, but dependant on the seasons; that the party soliciting it, Dona Raymona Carrillo, has all the requisites which the law requires to be attended to, in her petition; and the committee therefore concludes, placing at the deliberation of the ayuntamiento the following propositions: The land known by the name of Suez can be granted to Dona Ramon Carrello.

Santa Barbara, Nov. 5, 1836.

(S'gd) VALENTINE COTA.
(S'gd) SANTIAGO LUGO.

Senor Superior Political Chief: In compliance with the superior marginal decree of your excellency, dated Sept. 31, of this year, this ayuntamiento reports to your excellency in the same terms as the foregoing report of the committee, as it approves it in all its parts.

Santa Barbara, Nov. 7th, 1836.

(S'gd) GUILLEMO G. DANA.

Ass'ts:

(S'gd) ESTEBAN ORTEGA.
(S'gd) JOSE MARIA GARCIA.

To his Excellency the Governor: In compliance with the superior decree of Sept. 31, 1836, I inform that the land she asks for may be granted to the person interested.

Santa Barbara, March 11th, 1837.

(S'gd) JOAQ. CARRILLO.

SANTA BARBARA, *April 6th*, 1837.

Having seen the petition with which this espediente commences the report of the illustrious ayuntamiento of this municipality, with all other things which were presented and proper to be considered in conformity with the provisions of the laws and regulations on the matter, Dona Ramona Carrillo is declared owner in the fee of the land known by the name of Suez, (as marked out in the map which accompanied her petition,) and under the boundaries as shown

in it subject to the conditions established in the law of Aug't 18, 1824, and the regulation of Nov. 21, 1828, let the corresponding title issue, let note be made in the respective book, and direct this espediente to the most excellent deputation for its due approval, in which case the person interested, who will be informed of this decree, will present again her title that it may be revalidated. Senor Don Juan B. Alvarado, governor ad interim of the State, and president of the most excellent deputation of the same, thus decreed it, ordered and signed, of which I certify.

(S'gd) JUAN B. ALVARADO.

(S'gd) LICIENSADO COSMA PENA,
Secretary of the State.

On the same date, Dona Ramona Carrillo, after having been informed of the foregoing superior decree, said that she agrees to it, and that she will fulfil the conditions mentioned in it.

(S'gd) RAMONA CARRILLO.

(S'gd) LICIENSADO COSMA PENA.
Secretary of State.

(For translation of title see Exhibit.)

Most Excellent Sir: The committee appointed on vacant lands, having understood the expediente formed by Dona Ramona Carrillo, asking for the place named Suez, places at the deliberation of your excellency the following proposition:

The place named Suez is granted to Dona Romana Carrillo that she may possess it in fee in conformity with the law of Aug't 18, 1824, and art. 5th of the regulation of Nov. 21, 1828.

Santa Barbara, April 12, 1837.

(Signed) JOSE A DE LA GUERRA Y CARRILLO.

(S'gd) ANTONIO BUELNA.

SANTA BARBARA, *April 19th*, 1837.

In session of this day, the corporation approved the foregoing proposition, deciding that the espediente be returned to the government for the purposes which ought to follow.

(S'gd) ALVARADO.

(S'gd) VICTOR PRUDON,
Secretary ad interim.

I certify the foregoing to be a true and correct translation from an authenticated copy of the original Spanish document on file in the office of the U. S. surveyor general, which authenticated copy is on file in this office in case No. 41, Ramona Carrillo de Wilson et al., for the place named Suez.

GEO. FISHER, *Sec'y.*

Filed in office Sept. 22, 1852.

GEO. FISHER, *Sec'y.*

Title.—Doc. H. H., No. 1.

Sello Tercero.—Dos Reales.

Habilitado provisionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los anos de mil ochocientos cuarenta y uno.

JIMENO. ANTONIO MARIA OSIO.

El ciudadano Juan B. Alvarado, gobernador intereno del estado [SEAL.] y presidente de la ex'ma deputacion del mismo.

Por cuanto Madama Ramona Carrillo, Mejicana por nacimiento ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Suez, dentro de los linderos senatados en el diceno que acompaño a la solicitud de d'ho citio practicadas previamente las diligencias consernientes, segun lo dispuesto por las leyes y reglamentos, usando de las facultades que me son conferidas, a nombre de la nacion Mejicana, he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras; entendiendose d'ha concesion con entera conformidad a lo dispuesto por las leyes a reserva de la aprovacion o desaprovacion de la ex'ma diputacion y bajo las condiciones siguientes:

1o. Ha agraciada ni sus herederos podran divider ni enagenar el que se les adjudica, imponer lo censo: vinculo, fianza, hypotecar ni otro gravamen armque sea por causa piadosa ni pasarle a manos muertas.

2o. Podra cercarlo sin perjudicar las travesias caminos ni servidumbres, lo disfrutara libre y esclusivamente distinandolo al uso o cultivo que mas le acomode.

3o. Cuando se le confirme la propiedad, solicitara del juez respectivo que le de posecion juridica en virtud de este despacho por el cual se demarcaran los linderos y pondra sus majoneras.

4o. El terreno de que se hace donacion es puram'to el que se contiene dentro de los linderos que se demarcaran en el diceno que corne agregado en este espediente. Y el juez que posesionare a la interesada dara aviso a este gobierno del numero de los sitios que comprende.

En consecuencia mando que serviendole de titulo el presente y teniendose por firme y valedero se tome razon en el libro que corresponde y se entregue al interesada p'a.

Sello Tercero.—Dos Reales.

Habilitado provisionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los anos de mil ochocientos cuarenta y mil ochocientos cuarenta uno.

HIMEUR. ANTONIO MARIO OSIO.

Su resguardo y demas fines convenientes, dado en la ex-mision de Santa Barbara a seis de Abril, de mil ochocientos treinta y sute.

ALVARADO.

L. COSMO PENA, *S'rio del Despacho.*

Concuerda fielmente, con la capia original que esta agregada al espediente respetivo que exuite en la s'rio, de gobierno que esta a mi cargo.

[SEAL.]

Monterey, de Setiembre, de mil ochocientos cuarenta y uno.

MAN'L JIMENO.

Senor Juez de Paz: Ramona Carrillo, Mejicana y vecino de esta demarcacion ante Vm. como mas haya lugar en derecho dice, que habiendo obtenido la concesion propia del terreno conocido con el nombre de Suez, y S'ta Maria, ocurre a V, con el fui de que se serve darle posecion juridica conforme esta prevenido en el articulo tercero del titulo de d'ho, terreno q. se le, espedio el dia seis de Abril, ochcientos treinta y siete, que debidamente acompano como egualmente la conformacion respectiva para que todo obra en los efectos deseados. Por tanto, A. V. suplico se serva ponerla en la posesion que solicita de lo que recivere merced y justicia, &c. Serviendose admitir este en papel comun por no haber del sellado que corresponde.

St'a Barbara, Mayo 10, de 1842.

RAMONA CARRILLO.

STA. BARBARA, *de Mayo, de* 1842.

En virtud de la antecedente solicitud procedase por mi el presente juez a la medicion, senalamiento de linderos y posesion judicial que solicita lo interesada en este espediente senalandore para ejecutarlo el dia seis de junio del corremte ano para lo q. se citaran con baleto de comparecido a los colindantes.

Asi yo el mencionado juez lo decreto, mando y firmo con los testigos de assistencia con quienes actuo por receptono a falta de Escribano Publico doy fee.

JOAQ'N CARRILLO.

Assistencia: GUILLERMO G. DANA.
Assistencia: ANTONIO RODREGUEZ.

En la fecha presente Dn. Juan Wilson como apoderado de Dn. Ramona Carrillo se le notifico el auto antecedente y de el enterado, dijo lo oge que da ba por citado q. la firmo conmizo y los testigos de assistencia.

JUAN WILSON,
JOAQ'N CARRILLO.

Assistencia: GUILLERMO G. DANA.
Assistencia: ANTONIO RODREGUEZ.

En la mismo f'ha selibraron los boletas q'e se mandan en el antecedente auto, y para que conste lo rubrique.

(A Flourish.)

En el parage de Suez, a los seis dias del mes de junio de mil ochocientos cuarenta y dos en cumplimento del auto de 25 de Mayo, concurrieron los ciudadanos Guillermo G. Dana. Como colindante de este rancho. Carmen Dominguez como apoderado por el establicimiento de la Purissima egualmente como colindante de este rancho de suez y citados para la medicion senalamiento de linderos y posesion. Nombre por medidores a los ciudadanos Juez Ma. Valenzuela y Luis Olivas quienes prieor lo aceptacion y juramento procedieron al desempend de su encargo, asi quel dicho juez decreto mando y firmo con los testigos de asistencia nohaviendo comparecido.

TOMAS OLIVERA,
JOAQUIN CARRILLO.

Assistencia: GUILLERMO G. DANA.
Assistencia: ANTONIO RODREGUEZ.

En la f'ha se les notifico a los colindantes el auto que antecede y entendidos digeron que la oyen y firmaron comingo y los testigos de asisten'a.

J. CARRILLO,
CARMEN DOMINGUEZ,†
GUILLERMO G. DANA.

Assistencia: GUILLERMO G. DANA.
Assistencia: ANTONIO RODREGUEZ.

En la misma fecha y en el mismo rancho se les notifico elanto en el que aparecen nombrados medidores los ciudadanos Jose M'a Venzuela y Luis Olivas, y entendidos digeron q'e acepton y aceptabon dicho encargo y juaron por Dios nuestro Senor, y la Senal de la Sta. Cruz, de hacerlo fiel y legalmente a todo su leal sabes y entende sin dolo a fraude contra persona alguna, y por ma sobes firmas hiceron ambos ena Cruz, y firme yo con los testigos de assistencia.

J. CARRILLO,
LUIS OLIVAS,†
JOSE M'A VALENZUELA.†

Assistencia: GUILLERMO G. DANA.
Assistencia: ANTONIO RODREGUEZ.

Yncontinentemente yo el Juez amande traer a mi presencia el Cordel con que se non de anedir las tierras, y que los medidores lo aniden de cuarenta varas, y lo firme con los de assistencia.

J. CARRILLO.

Asistencia: GUILLERMO G. DANA.
Asistencia: ANTONIO RODREGUEZ.

En la f'ha en presencia de mi el referida Juez, los espresados medidores tomaron un Cordel de Canamo, y con una vara Mejicano de medir, tomandola en la mano midieron cuarenta varas para haces la referida medicion y para constancia lo rubrique.

(A Flourish.)

En la mismo f'ha, y en el referido parage, siendo las diez de la monana yo el presente Juez mande a los medidores se pongan para la medicion que se ha de hacer del terreno de Suez para que el mencionado D'n Juan Wilson tome posecion de el y parados en el Camo de la Larga de la Canada del Paso demorando al Norte empesaron la medicion para d'ho Canada, en donde habiendo llegado, dijeron harves setenta Cordeles, desde este punto rumbo la Canada al Norte hasta la cuchilla del Potrero se medicion dos cientos cincuenta Cordeles, de d'ha Cachilla rumbo al N. E. Este y E. S. E. pasando la Cabesa del arroyo de Sta. Maria tirando al Sur. hasta la punta de la mesa en el llano de la Largo se midieron quinientos tres cordeles, y desde este ultimo punto rumbo al Deste desde donde comensalon las mediciones furon tres cientos cuarenta y cuatro cordeles en donde se clario una Cruz en senal de Mojonera haviendose concluido esta medicion resulto cinco sitios de ganado mayor, algo mas y haviendo hecho el senalamiento de linderos. 1o. En el llano de la Largo. 2o. En la cuchilla del Potrero. 3o. la Cubeza del arroyo de Santa Maria y la punta de la mesa en el llano de la Largo mande formasen anojoneras, y para constancia lo firme por auto con los testigos de asistencia.

J. CARRILLO.

Asistencia: GUILLERMO G. DANA.
Asistencia: ANT'O RODREGUEZ.

En el mismo f'ha yo el indicado juez mande q'l en virtud de haverse medido el terreno, y haverse hecho el senalamiento de linderos se ponga en posecion juridica Sor. Dn. Juan Wilson y notifique selas a los colindantes, y firme posanto con los testigos de assistencia.

J. CARILLO.

Assistencia: GUILLERMO G. DANA.
Assistencia: ANTO. RODREGUEZ.

En la f'ha se les notifico a los colindantes Guillermo G. Dana por el rancho de Nipoma, y a Carmen Dominguez como apoderado del establecimiento de la Purissima, el ante anterior y entendidos dijeron que lo oyen y firmamens convengo y los testigos de assistencia.

J. CARRILLO,
CARMEN DOMINGUEZ,†
GUILLERMO G. DANA.

Asistencia: GUILLERMO G. DANA.
Asistencia: ANTO. RODREGUEZ.

En el rancho de Suez siendo como las seis y medio de la tarde del mismo dia, mes y ano, el Sor. Don Juan Wilson, acompanado del juez y testigos, con animo segun dijo de tomas verdadera, corporal y real posecion del espresado terreno de Suez, por haber pertenecido con justo titulo que obtuno del gobierno politico de este departamento con f'ha de seis de Abril, de mil ochocientos treinte y siete, entro y paso por dicho terreno arranco yerbas esparcio penados de tierra, remplir ramas de arboles, e hijo otras ceremonias de verdadero posecion, en senal de la que dijo, tomas y que tomaba a d'has tierras, y mande yo el citado juez que desde entrances lo terbiesen y reconociesen a la mencionado Senora Dona Ramona Carillo, por verdadera diseno. Sta. y posedra de ella de todo lo referido, podio el repetido Dn. Juan Wilson como apoderado ql. para anemoria en lo veredero y conserbacion de sus derechos por mi el juez le fuere estendido una constancia lo que asi fue autorizado siendo testigos de asistencia los Senores Guillermo G. Dana y Antonio Rodriguez, con quienes actuo en receptoria a falta de escribano publico que no lo hay segun dicho doy fee.

JOAQ'N CARRILLO.

Asistencia: GUILLERMO G. DANA,
Asistencia: ANT'O RODREGUEZ.

En la f'ha de debreelbe este espediente al interesado con siete fojas utiles y paro constancia lo rubrique.

(A flourish.)

Joaquin Carrillo juez de paez y 1a. instancia del partido de Sta. Barbara, y su demarcacion par el ministerio de la ley, &c., &c.

Filed in office, Dec'r 31, 1852.

GEO. FISHER, *Sec'ry.*

B.—*Translation of Title and Juridical Possession.*

Stamp Third.—Two Reales.

Provisionally authorized by the maratime custom-house of the port of Monterey, in the department of the Californias, for the years one thousand eight hundred and forty, and one thousand eight hundred and forty-one.

(Signed) ANTONIO MARIA OSIO.

(Signed) JIMENO.

{ Maratime Custom-house of Monterey. }

Citizen Juan B. Alvarado, Governor ad interim of the State, and President of the most excellent deputation of the same.

Whereas Madame Carrillo, a Mexican by birth, has for her own personal benefit and that of her family, petitioned for the land known by the name of Suez, within the boundaries marked on the map which accompanied her petition for said place, the necessary measures being previously taken as required by laws and regula-

tions. Using the powers conferred on me, in the name of the Mexican nation, I have granted her the aforementioned land, declaring to her the ownership of it by these presents. Said grant being understood to be in entire conformity with the laws, subject to the approval of the most excellent deputation, and under the following conditions, viz:

1. Neither the grantee nor her heirs can divide nor alienate that which is granted them, subject it to tax, entail, bond, mortgage, or any other incumbrance, for pious purposes, or convey it in mortmain.

2. She may enclose it without prejudice to the roads, cross-roads, and servitudes, and enjoy it freely and exclusively, making such use or cultivation of it as she may see fit.

3. When the ownership is confirmed to her, she will request the proper magistrate to give her juridical possession in virtue of this order, by whom the boundaries will be marked out, and the land-marks placed.

4. The land herein mentioned is solely that which is contained within the boundaries marked on the map, which goes attached to the record of proceedings, and the magistrate who may give the possession to the party interested will inform this government of the number of sitios it contains.

In consequence, I order that, serving for a title these presents, and being held as firm and valid, they shall be registered in the corresponding book, and they be delivered to the party interested for her security, and other purposes.

Given in the ex-mission of Santa Barbara, on the 6th of April, one thousand eight and thirty-seven.

(Signed) ALVARADO.

(Signed) COSMA PENA, *Secretary.*

The above agrees faithfully with the original, which is attached to the record of proceedings, which exists in the office of government secretary, now in my charge.

Monterey, Sep. , one thousand eight hundred and forty-one.

(Signed) MANUEL JIMENO.

To the Justice of the Peace: Ramona Carrillo, a Mexican by birth, and resident of this demarcation, before you respectfully appears and says: That having obtained the grant of the land known by the name of Suez de Santa Maria, she applies to you, that you may be pleased to give her the juridical possession as required by the third article of the title of said land, which was executed on the sixth day of April, one thousand eight hundred and thirty-seven, which she duly transmits herewith, as also the respective confirmation, that all may produce the desired effect; therefore, she prays you will have the goodness to give her the

possession solicited, by which she will receive favor and justice, etc.; admitting this on common paper, there being none of the corresponding stamp.

Santa Barbara, May 10th, 1842.

(Signed) RAMONA CARRILLO.

SANTA BARBARA, *May* 25, 1842.

In compliance with the preceeding request, I will proceed to measure, mark the boundaries, and give the juridical possession, which the interested party requests in this petition, designating for the performance of these acts the sixth day of June of the present year, for which day written summons to appear will be issued to the coterminous neighbors. Thus I, the said magistrate, decreed, ordered, and signed with the assisting witnesses with whom I act in virtue of my office, for want of a notary public I certify.

(Signed) JOAQ'N CARRILLO.
(S'gd) GUILLERMO G. DANA,
(S'gd) ANTONIO RODRIGUEZ.

On the same date, Don Juan Wilson as attorney in fact of Dona Ramona Carrillo, was notified of the preceeding decree, and having heard it, he acknowledged notice and signed with me and the assisting witnesses.

(Signed) JUAN WILSON,
(Signed) JOAQ'N CARRILLO.

Ass'tg witnesses:
(Sg'd) GUILLERMO DANA,
(Sg'd) ANTONIO RODRIGUEZ.

On the same day the summons mentioned in the preceding order were sent, and in testimony I signed in rubric.

(Sg'd) Rubric of J. CARRILLO.

In the place of Suez, on the sixth day of the month of June, one thousand eight hundred and forty-two, in compliance with the decree of May 25th, there met together citizens Guillermo G. Dana, as coterminous neighbor of this rancho, Carmen Dominguez, as attorney in fact of the establishment of La Purissima, also as colindante of *of* this rancho of Suez, summoned for the measurement and marking out the boundaries and possession, and I appointed measurers, citizens Jose Maria Valenzuela, and Luis Olvira, who, after the acceptance and oath, proceeded to discharge the duties of their office. Thus I, the said magistrate, decreed, ordered, and signed with the assisting witnesses, Gomas Olivera not having appeared.

(Signed) JOAQUIN CARRILLO.

Assisting witnesses:
(Sg'd) GUILLERMO G. DANA,
(Sg'd) ANTONIA RODRIGUEZ.

On the same day the coterminous neighbors were notified of the preceding order, and having heard it, acknowledged notice, and signed with me and assisting witnesses.

(Signed) CARMEN DOMINGUEZ,
(") JOAQ'N CARRILLO.

Assisting witnesses:
GUILLERMO G. DANA,
ANTONIO RODRIGUEZ.

On the same date, and in the same rancho, citizens Jose Maria Valenzuela and Luis Olivas were notified of the decree in which they were appointed measurers, and having heard it, they said that they accepted, and did accept said office, and made oath by God our Lord and the sign of the holy cross, to fulfil it faithfully and legally to the best of their knowledge and understanding, without deceit or fraud against any person, and not knowing how to write, both made crosses, and I signed with the assisting witnesses.

(Sg'd) JOA. CARRILLO,
(Sg'd) LUIS OLIVAS, †
(Sg'd) JOSE MA. VALENZUELA. †

Assisting witnesses:
(Sg'd) GUILLERMO G. DANA.
(Sg'd) ANTONIO RODRIGUEZ.

In continuation, I, the magistrate, ordered the rope with which the lands are to be measured to be brought to my presence, and that the measurers measure off forty varas, and I signed with those of assistance.

(Signed) J. CARRILLO.

Assisting witnesses:
(Sg'd) GUILLERMO G. DANA.
(Sg'd) ANTONIO RODRIGUEZ.

On the same date, before me, the said magistrate, the aforementioned measures took a hempen rope with a common Mexican vara measure, taking it in their hands, they marked off forty varas to make the survey herein referred to, and *an* in testimony I signed in rubric.

(Rubric of J. CARRILLO.)

In the same date, and in the same place, at 10 o'clock in the morning, I, the present magistrate, ordered the measures to commence the survey which is to be made of the lands of Suez, in order that the said Don Juan Wilson may take possssion of them, and standing in the Dano de la Largo, the Canada del Paso lying to the north, they commenced by measuring to said canada, distant seventy cordeles; from this point up the canada towards the north to the ridge of the Potreto, distant two hundred and fifty cordeles,

from said ridge northeast and east southeast, passing the head of the arroyo of Santa Maria; thence turning to the south, to the point of the table lands in the Llano de la Larga, distant five hundred and three cordeles; then from this last point west to the place of beginning, three hundred and forty-four cordeles, and a cross was placed there as a land mark, this survey having been concluded, there resulted about five sitios de ganado mayor (five square leagues) a little over, and designated the boundaries.

1. In the Dana de la Largo. 2. In the ridge of the Potreto. 3. The head of the arroyo of Santa Maria, and the point of the table land in the plain of La Largo; I ordered land marks to be placed, and in testimony I signed officially with the assisting witnesses.

(Signed) J. CARRILLO.

Assisting witnesses:

(Signed) GUILLERMO G. DANA.
(Signed) ANTONIO RODRIGUEZ.

On the same date, I, the said magistrate, ordered that in virtue of the land being measured, and the boundaries designated, Don Juan Wilson be put in juridical possession, and that the coterminous neighbors be informed of it, and I signed officially with the assisting witnesses.

(Signed) J. CARRILLO.

Assisting witnesses:

(Signed) GUILLERMO G. DANA.
(Signed) ANTONIO RODRIGUES.

On the same day the coterminous neighbors, Guillermo G. Dana, for the rancho of Nipoma, and Carmen Rodriguez, as attorney in fact of the establishment of the La Purissima, were notified of the foregoing order, and having heard it, they acknowledged notice, and signed with me and the assisting witnesses.

(Signed) JOA'Q CARRILLO,
(Signed) CARMEN RODRIGUEZ,†
(Signed) GUILLERMO G. DANA.

Assisting witnesses.

(Sig'd) GUILLERMO G. DANA.
(Sig'd) ANTONIO RODRIGUEZ.

In the rancho of Suez, being about half past six o'clock in the evening of the same day, month and year, Senor Don Juan Wilson, accompanied by the magistrate and witnesses, with the intention as he said of taking the true, corporal and actual possession of the said land of Suez, as it belonged to him by legal titles which he obtained of the civil government of this department, dated April 6th, one thousand eight hundred and thirty-seven, he entered upon and walked over said land, pulled up grass, scattered

hand full of earth, broke off branches of trees, and made other signs of true possession, as testimony of that which he said he took and did take of said lands. And I, the beforementioned magistrate, ordered that from that time the said Senora Dona Ramona Carrillo should be held and recognised as the true owner and possessor of them, and said D'n Juan Wilson, as attorney in fact, prayed that as a testimony for the future and the preservation of his rights, all the foregoing acts be made out officially, and be delivered to him by me the said magistrate, which was authorized, the assisting witnesses being Don Guillermo G. Dana and Antonio Rodriguez, with whom I act in virtue of my office for want of a notary public; that there is none I certify.

(Signed) JOAQ'N CARRILLO.

Assisting witnesses:

(Sig'd) GUILLERMO G. DANA.

(Sig'd) ANTONIO RODRIGUEZ.

Filed in office Feb. 12th, 1852.

GEO. FISHER, *Sec'y.*

On the same day this record of proceedings was returned to the party interested, in seven folios, and in testimony I signed in rubric.

(Rubric of J. CARRILLO.)

Joaquin Carrillo, justice of the peace, and exofficio judge of first instance for the district of Santa Barbara, and its demarcation. Ex. dc.

R. P.

I certify the foregoing to be a true and correct translation from the original Spanish document on file in this office, in case No. 41, Ramona Carrillo de Wilson, for the place named Suez, annexed to the deposition of Jose Maria Covarrubias.

GEO. FISHER, *Sec'y.*

Stipulation.

Before the U. S. Land Commission.

In the claim of Ramona Carrillo de Wilson to Suez.

In this case it is agreed between the law agent *and* the United States, and the counsel of the claimant, that all the laws, decrees, ordinances, and regulations, whether of Spain or Mexico, and especially the colonization law of Mexico, passed on the 18th of August, 1824, and the regulations made by the supreme executive power of Mexico on the 21st November, 1828, shall be considered as having been offered in evidence in this cause, and duly proven.

HALLECK, PEACHY & BILLINGS,
Counsel for Claimant.

R. GREENHOW, *Asstn. Law Agent.*

Filed in office March 8th, 1853.

GEO. FISHER, *Sec'y.*

Opinion.

No. 41.—Ramona Carrillo de Wilson, claimant.

The petitioner claims title to a tract of land called Suez, situated in the county of San Luis Obispo, stated to contain a little more than five square leagues, under a grant made by Governor Alvarado, dated the 6th of April, 1837.

It appears from documentary evidence produced by the claimant, the authenticity of which is proven in the usual manner by parol, and is also shown by the public archives, that a grant was made by Governor Alvarado to the claimant of the tract of land before mentioned, described as that which is contained within the boundaries mentioned on the map attached to the espediente, without limitation of quantity, on the said 6th of April, 1837; that the grant was approved by the territorial deputation the 19th of the same month, and that juridical possession of the land was duly given on the 6th of June, 1842. It is also shown that the claimant had a house on the land in 1837, and has continued to occupy the land by her agents and servants as a stock rancho ever since. No objection is made or seen to the validity of the claim, and it will be confirmed according to the description in the grant. The quantity of land not to exceed eleven square leagues, the limitation fixed by the Mexican colonization laws. In the result Commissioner Thornton concurs.

HILAND HALL.

Decree.

No. 41.—Ramona Carrillo de Wilson, claimant.

This board, on full consideration, having come to the conclusion that the claim is valid, now proceeds to make its decree for its final confirmation, as follows, viz:

It is decreed that said claim be confirmed by the boundaries described in the grant, and marked on the map which is attached to the espediente to which the grant refers, provided that if the quantity of land within the said boundaries exceed eleven square leagues, then we confirm to the claimant eleven square leagues thereof, and no more.

Given under our hands this 11th day of April, 1853.

HILAND HALL,
HARRY J. THORNTON, *Com.*

Filed in office April 11th, 1853.

GEO. FISHER, *Sec'y.*

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing forty-four pages, numbered from 1

to 44, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses, upon which the same is founded, on file in this office, in case No. 41, on the docket of the said board, wherein Ramona Carrillo de Wilson is the claimant against the United States for the place known by the name of "Suez."

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, California, this twenty-first day of June, A. D. 1854, and of the independence of the United States of America the seventy-eighth.

[SEAL.]

GEO. FISHER, *Sec'y.*

Endorsement of the foregoing: U. S. dist. court, S. dist. of Cal. Doc't 14. Ram'a C. de Wilson, 5 sq. leagues, for Suez, S. L. Obispo, vs. the United States, app'lt. Docket 14. Filed 27 June, '54.

A. S. TAYLOR, *Cl'k.*

Notice of Appeal.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES,
WASHINGTON, 11*th September*, 1854.

RAMONA CARRILLO DE WILSON
vs.
THE UNITED STATES.

You will please take notice, that in the above case, decided by the commissioners to ascertain and settle private land claims in the State of California, in favor of the claimant, and a transcript in which was received in this office on the 30th day of June, 1854, the appeal in the district court of the United States for the southern district of California will be prosecuted by the United States.

C. CUSHING, *Attorney General.*

Endorsed: No. 14. Filed Nov. 7th, 1854.

C. E. CARR, *Clerk.*

Petition for Review.

In the District Court of the United States for the southern district of California.—Los Angeles county.

RAMONA CARRILLO DE WILSON
ads.
THE UNITED STATES. } No. 41.

To the honorable Isaac S. K. Ogier, Judge of the District Court of the United States for the southern district of California.

The petition of Pacificus Ord, (of Monterey county,) attorney of the United States for the southern district of California, who peti-

tions in this behalf for the United States, and being present here in court in his proper person, in the name and behalf of the United States, represent as follows:

That heretofore, to wit, on or about the 12th day of February, A. D. 1852, Doña Ramona Carrillo de Wilson presented a petition to the commissioners to ascertain and settle the private land claims in the State of California, representing that on the 6th day of April, A. D. 1837, Juan B. Alvarado, governor of California, by virtue of authority in him vested, granted to her, then named Ramona Carrillo, the tract of land known by the name of Suez, situate in the county of San Luis Obispo, containing a little more than five square leagues, with the boundaries described in the grant; that on the 19th day of April, A. D. 1837, the deputation of California approved the said grant in due form of law; that on the 6th day of June, A. D. 1842, the said tract of land was duly surveyed and the juridical possession of it given by the proper authority to her; that she knows of no conflicting claim; that the said land has not been surveyed by the surveyor general of the United States, but that it was surveyed by the proper authority at the time of giving the juridical possession of it, and its boundaries marked out; that she, ever since the date of said grant, has been, and now is in the quiet, peaceful, and full possession and occupation of the said land so granted, and praying for a confirmation of the same.

Your petitioner further represents, that thereafter, to wit, on the 11th day of April, A. D. 1853, the said commissioners confirmed by final decree the said claim of said Doña Ramona Carrillo de Wilson, by the boundaries described in the grant, and marked on the map, which is attached to the expediente, to which the grant refers, (not to exceed eleven leagues.)

That thereafter, to wit, on the 27th day of June, A. D. 1854, a duly certified transcript of the said decree and proceedings, and the papers and evidence on which it was founded in said cause, was filed in the office of the clerk of the district court of the United States for the southern district of California, and marked No. 41, reference to which it is prayed may be had and made a part of this petition. That on the 10th day of June, A. D., 1854, the Hon'ble Caleb Cushing, attorney general of the United States, received a duly certified duplicate of said transcript of said final decree and proceedings of said commissioners in said cause, No. 41, and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 7th day of November, A. D. 1854, the said attorney general of the United States filed, or caused to be filed, in behalf of the United States, a notice with the said clerk of said district court for the southern district of California, that the appeal in said cause of Romona Carrillo de Wilson vs. the United States from the decision of the said commissioners to

ascertain and settle the private land claims in the State of California, in the district court of the United States for the southern district of California, would be prosecuted by the United States.

Your petitioner further represents and alleges, that the said claim of Doña Ramona Carrillo de Wilson for said land claimed and confirmed by said commissioners as aforesaid is invalid, and said decree of confirmation erroneous, on the following grounds:

1. That the said Ramona Carrillo de Wilson shows no valid title to the said land claimed by her as aforesaid, and it is denied that she has any.

2. That the said land claimed as aforesaid is within ten leagues of the sea coast, and was not, therefore, subject to colonization or grant by the said governor of California without the previous authority of the supreme government.

3. That at the date of the said alleged grant the said land claimed as aforesaid was occupied by the missions of California, and particularly the mission of La Purissima.

4. That no original grant is shown by claimant; that it purports to be a copy; that the original is not shown to be lost; that the copy shown is not proved to be authentic; that it is not on proper sealed paper; that no map is shown with the said copy.

5. That the said alleged grant has not the conditions required by, and is not made in entire conformity with the law of the 18th of August, A D. 1824, and the regulations of the 21st of November, A. D. 1828.

6. That the said alleged grant of Juan B. Alvarado, dated the 6th day of April, A. D. 1837, is not upon sealed paper, as required by law, and it contains no specified quantity of land, and has no certain calls or boundaries; that said Alvarado had no authority to grant said land on said date of the 6th of April, A. D. 1837.

7. That there is no approval of the territorial departmental assembly shown by claimant as alleged; and it is denied that there ever was any. That the approbation of the ayuntamiento or corporation of Santa Barbara, of the date of the 19th of April, A. D. 1837, is insufficient. That the confirmation of said corporation, does not describe or identify the land alleged to be confirmed.

8. That the map of the land shown and claimed is vague and indefinite.

9. That the said claimant did not apply for judicial possession within the time required by law, after the date of said grant; that she did not ask for and receive the same within a reasonable time after date of said grant.

10. That there is no evidence that Joaquin Carrillo was a magistrate at the date of the alleged judicial possession, and that he had authority to give the same; and it is denied that he was such, and had such authority.

11. That he, said alleged magistrate, did not measure the land

according to law, or the boundaries in said grant and map. That said alleged judicial measurement and possession is vague and indefinite.

12. That there is no evidence that claimant improved, occupied, or cultivated the land claimed within a year, or a reasonable time after the date of the grant, as required by law.

13. That the said alleged grantee has not done and performed all the requirements of said grant necessary to make it full, perfect, and absolute, as alleged.

14. That there is no evidence that the said alleged justice of the peace, who gave possession, complied with the requirements of said grant, by reporting to the government the number of the sitios (square leagues) the tract of land contained; and it is denied that he ever did so.

Wherefore, the said Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United States, by reason of the premises and the laws and statutes in such case made and provided, prays that the said Ramona Carrillo de Wilson, or her attorney, may be served with a copy of this petition; and that this honorable court will review the said decision or final decree of confirmation of said commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of the said claim of said Ramona Carrillo de Wilson for said land claimed and confirmed as aforesaid, and that the same may be decreed invalid, and all such other orders, judgments or decrees as may be just, with costs and general relief.

P. ORD,
Attorney of the United States for the Southern Dist. of California.

Endorsed: No. 14. Filed Dec. 9th, 1854.
C. E. CARR, *Cl'k.*

Summons.

UNITED STATES OF AMERICA,
Southern district of California, ss.

The President of the United States to Ramona Carrillo de Wilson, greeting:

Take notice, that a petition, a copy of which is herewith served upon you, has been filed against you in the district court of the United States in and for the southern district of California, on the ninth day of December, in the year of our Lord one thousand eight hundred and fifty-four, at the city and county of Los Angeles, in said district, by Pacificus Ord, attorney of the United States for the southern district of California, in behalf of the United States, praying the said court to review, upon the grounds therein set

forth, the decision of final confirmation of the commissioners to ascertain and settle the private land claims in the State of California, of the claim of Ramona Carrillo de Wilson, for a tract of land called Suez, in the county of San Luis Obispo, California, to the extent of a little more than five square leagues; which said claim was presented by your petition to said commissioners, on or about the 12th of February, A. D. 1852, and by them confirmed on or about the 11th of April, A. D. 1853; and that you are required to appear at said court, in said city, within ten days after the service hereof, if served on you within the county of Los Angeles, and within twenty days if served on you in the county of San Diego or San Bernardino, and within forty days if served on you in any other county of said State, exclusive of the day of service, and answer said petition, or that the plaintiff will apply to the court for the relief therein demanded.

In witness whereof, I have hereunto set my hand and affixed the seal of said court, this second day of February, in the year [SEAL.] of our Lord one thousand eight hundred and fifty-five, at Los Angeles aforesaid.

C. E. CARR, *Clerk.*

I served this summons, along with the proper copy of the petition, upon Ramona Carrillo de Wilson, by delivering to her personally a true copy of the summons and petition, at her residence in the county of San Luis Obispo, in the southern district of California, on the 22d day of February, A. D. 1855.

EDWARD HUNTER,
U. S. Marshal.
By RICH'D S. JONES, *Deputy.*

Sworn to and subscribed before me, this 10th of March, 1855.
C. E. CARR, *Clerk.*

Marshal's costs.

Copying summons.....	$1 00
Serving petition.....	4 00
Serving summons.....	4 00
Actual traveling expenses.....	112 00
	$121 00

Endorsed: No. 14. Summons. Received February 2d, 1855.
EDWARD HUNTER,
U. S. Marshal.

Answer to Petition.

In the United States District Court for the southern district of California.—County of Los Angeles.

RAMONA CARRILLO DE WILSON, Appellee, ads. THE UNITED STATES, Appellant. } No. 41.—Suez.

The answer of Ramona Carrillo de Wilson, the appelle to the petition filed by the U. S. district attorney for this southern district of California, in behalf of the United States, on appeal from the decree of the U. S. land commissioners, respectfully shows to this honorable court, that on or about the sixth day of April, 1837, Juan B. Alvarado, governor of California, by virtue of authority in him vested, granted to the said appellee, then named Ramona Carrillo, (her maiden name,) the tract of land known by the name of "Suez," situate in the present county of San Luis Obispo, containing a little more than five square leagues, with the boundaries described in the grant, and marked on the map or sketch of the land which formed a part of said grant.

That on or about the 19th day of May, A. D. 1837, the territorial deputation of California approved the said grant or concession, and the aforesaid Alvarado, governor or political chief of California, afterwards, to wit, on or about the 20th April, 1837, made, signed, and delivered to the said Ramona de Carrillo, a document conveying to her the said land in full property, whereby her title to the same became definitively valid.

That on or about the sixth day of June, 1842, the said tract of land was duly and officially surveyed, and the juridical possession thereof given to the said Ramona Carrillo by the proper authority.

That the said Ramona Carrillo, the appellee, duly performed all the conditions annexed to the grant by her to be done and performed.

That the said appellee, ever since the date of said concession or grant, has been, and now is in the quiet and undisputed use, possession, cultivation, and enjoyment of said land.

Wherefore the appellee prays this honorable court to affirm the decree of the said U. S. land commissioners, whereby her claim to the said land was confirmed.

HALLECK, PEACHY & BILLINGS,
Att'ys for Appellee.

I served this answer on P. Ord, attorney of the United States, by leaving with him personally a true copy of the same at his office, at Los Angeles, California, March 19th, 1855.

EDWARD HUNTER,
U. S. Marshal.

Sworn and subscribed before me this 19th March, 1855.

C. E. CARR, *Clerk.*

Marshal's cost, $3 00.

Endorsed: No. 14. Filed March 12, 1855.

C. CARR, *Clk.*

Motion to take Testimony.

No.

In the United States District Court for the southern district of California.

THE UNITED STATES, Appellant,
vs.
RAMONA CARRILLO DE WILSON, Appellee. } Claim for "Suez."

And now on the 12th day of June, 1855, the parties appear, the appellant by P. Ord, U. S. dist. att'y for the southern dist. of California, and the appellee, by her atty., H. W. Halleck, and on motion of appellee's atty. it is ordered that either party may take further testimony as they may wish in the above entitled cause.

Endorsed: No. 14.

Filed June 13th, 1855.

C. E. CARR, *Clerk.*

Minutes of the Court.

No.

Wednesday morning, June 13th, A. D. 1855, 11 o'clock a. m.

RAMONA CARRILLO DE WILSON, Appellee, ads.
THE UNITED STATES, Appellants. } No. 14.—Motion to take testimony.

And now come the parties, the United States by Pacificus Ord, atty. of the U. S. for the southern dist. of Cala., and the appellee by her attornies, and on motion, it was ordered by the court here that the parties aforesaid be granted leave to take such further testimony as they may desire in said case upon giving reasonable notice to the opposite party.

Notice of hearing by U. States

In the District Court of the United States for the southern district of California.

RAYMUNDA CARRILLO DE WILSON, Appellee, ads.
THE UNITED STATES, Appellant. } No. 14.—For "Suez."

To Raymunda Carrillo de Wilson, or her attorneys.

Take notice that the above entitled cause will be brought to a hearing by the United States on Friday, the 19th day of October,

A. D. 1855, or as soon thereafter as the same can be heard by the court.

Los Angeles, October 11, 1855.

P. ORD,
U. S. Dist. Attorney.

Endorsed: No. 14. Filed Oct. 11th, 1855.
C. E. CARR, *Clerk.*

Minutes of the Court.

Friday, October 19th, A. D. 1855, 11 o'clock a. m.

RAMONA CARRILLO DE WILSON, Appellee, ads. THE UNITED STATES, Appellants. } No. 14.—"Suez."

And now comes the U. S. dist. att'y and moves the court to receive as submitted and for final adjudication before this court the above case, which is at issue, in which case notice of hearing had been duly given by him under the rules of this court. And the matters and things arising under said motion having been fully heard, and by the court here understood, it is ordered that said motion be overruled.

Stipulation and Order to return Transcript.

No. 14.

In the United States District Court for the Southern district of California.

THE UNITED STATES, Appellants, vs. RAMONA C. DE WILSON, Appellee. } Transcript, No. 41.

In this case, it being suggested by counsel for appellee, that the transcript of the record from the board of commissioners is imperfect, it is ordered by the court, the district attorney being notified and consenting thereto, that the original transcript be returned to the office of the secretary of the commissioners by the clerk of this court, that the said transcript may be amended, or that a perfect copy of the original document may be submitted to this court.

In this case, it having been ordered by the court that the transcript be returned by the clerk of this court to the secretary of the board of commissioners for amendment, it is hereby stipulated and agreed, that no rights of the United States or of the claimant are to be affected by said order.

HALLECK, PEACHY & BILLINGS,
Att'ys for Appellee.

P. ORD, *U. S. Att'y.*

Endorsed: No. 14. Filed Oct. 20th, 1855.
C. E. CARR, *Cl'k.*

Minutes of the Court.

Saturday, October 20th, A. D. 1855, 11 o'clock a. m.

THE UNITED STATES, Appellants.
vs.
RAYMUNDA CARRILLO DE WILSON, Appellee. } No. 14.—"Suez."

In this case, it being suggested by counsel for claimant that the transcript of the record from the land commissioners is imperfect, it is ordered by the court, the district attorney being notified and consenting thereto, that the original transcript in this cause be returned to the office of the secretary of the commissioners by the clerk of this court, that said transcript may be amended, or that a perfect copy of the original document may be transmitted to this court.

Minutes of the Court.

LOS ANGELES, *Dec'r 24th, A. D.* 1855.

RAMONA CARRILLO DE WILSON, Appellee,
ads.
THE UNITED STATES, Appellants. } No. 14.

This case, by consent of parties, was set for hearing on Friday next.

Affidavit for Continuance by Appellee.

RAMONA C. DE WILSON, Appellee,
vs.
THE UNITED STATES, Appellant. } No. 14.

Frederick Billings, on oath says, that he is of the law firm of Halleck, Peachy & Billings, who are the att'ys of the appellee in the above entitled cause; that said cause is not ready for trial; that it is necessary to have, in addition to other evideuce, that of the loss of certain papers; that this proof is to be had only in the county of San Luis Obispo, in which county the appellee resides; that previous to the September term of this court, Mr. Halleck wrote to San Luis Obispo, and in particular to the appellee, to inform her of the necessity of the proof named; that since that time other letters have been written for the same purpose; that there is no water communication with said San Luis Obispo, and the mail communication is very irregular; and this affiant believes that the letters sent by his firm has miscarried or have never been received; that the appellee cannot safely go to trial without the additional evidence named; that this affiant and his firm did not know the name of the witnesses so as to be able to subpœna them, and their best efforts to get information to the appellee have seemed to be unavailing. The appellee asks therefore for a continuation of the case.

FREDERICK BILLINGS.

Sworn to and subscribed before me, this 28th of Dec., 1855.

C. E. CARR, *Cl'k.*

Endorsed: No. 14. Filed Dec. 28, 1855.

C. E. CARR, *Cl'k.*

Minutes of the Court.

LOS ANGELES, *Dec'r 28th, A. D.* 1855.

R. C. DE WILSON, Appellee, ads. THE UNITED STATES, Appellants. } No. 14.

This case was called, and motion and affidavit by counsel for appellee asking for continuance was filed and objected to by U. S. attorney as insufficient, which objection having been taken into consideration by the court was overruled, and the case continued indefinitely.

Espediente.

Espediente.

Sobre el parage nombrado Suez, solicitado por D'a Ramona Carrillo.

1837.—144.

Sello Tercero.—Dos Reales.

Habilitado provisionalmente por la administracion de la aduana maritima de Monterey, de la Alta California para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete.

GUTIERREZ. A. RAMIREZ, *S'y.*

S'or Gefe Sup'r Politico:

Maria Ramona de la Luz Carrillo, natural de S'n Diego de este territorio ante' V. S. condevida respecto y subordinacion hace presente que a la muerte repentura que sucedio a su anterior esposo Don Romualdo Pacheco quedo con dos higos herederos a uña cantidad de ganado mayor en un parage llamada S'ta Rosa, colindante con los sitios de Sime y Las Rosas, desde entonees el de Sime ha sido vendido al Señor Don Jose Noriega, y este s'or dice que. Sta Rosa es terreno perteneciente a Sime. Y que fue prestado no mas por un tiempo, pues como no hay documento para consta en que modo lo tuvo el difunto Don Romualdo, suplico a V. S. otro sitio llamado Suez, per teneciente a la ex-mision de la purissima y dista de alli diez leguas.

Este sitio tiene al N. O. a Nepoma, N. E. la Sierra, S. E. a Santa Maria y S. O. por el llano llamado la larga como esplica el diseno que acompano.

Por tanto a V. S. rendidamente pido y suplico se serva en su recta justicia decretar a mi favor que interamente puedo ir fundando d'ho sitio pa. que no siga atrasos a mis bienes mientras sea la reunion de la ex'm'ta deputacion para que me sea concedido en propiedad.

Si lo hallare en justicia y derecho pues espero recivir gracia y merced.

S'ta Barbara, 20 de Sept., de 1836.

RAMONA CARRILLO.

MONTEREY, 31 *de Sep., de* 1836.

De conformidad con las leyes y reglamentos de la materia, informe el y. ayuntamiento de S'ta Barbara si la interesado en esta instancia reune los requisitos necesarios para ser atendida si el terreno que solicita esta comprendido en las 20 leguas limitrofes y 10 litorales que espresa la ley de 18 de Ag'to de 1824, si pertenece a la propiedad de algun particular mision, corporacion o pueblo, si es de temporal regadio o abrevadero: con todo lo demas, que crea conduciente a ilustrar la materia.

Evacuada esta, diligencia pasara este espediente al ad'mor de la purissima para que esponga lo que le occurra sabre el particular.

El S'r Dn. Nicolas Gutierrez, teniente coronel de cabelleria permanente general, inspector y gefe politico de la Alta California, asi lo mando, decreto y firmo de que doy fe.

NICOLAS GUTIERREZ.

MANUEL MA. GONZALEZ,
S'rio Int'o.

Sello Tercero.—Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maratima de Monterey, de la Alta California, para los anos de mil ochocientos treinta y seis y mil ochocientos treinta y siete.

A. RAMIREZ, *Sy.*

GUTIERREZ.

S'TA BARBARA, 5 *de N'bre, de* 1836.

En esta f'ha sidio cuenta al ayunt'to con este espediente y se acordo pasase a la comision de terrenos valdios. Por falte de secretario.

SANTIAGO LUGO, *Ynt'o.*

Y Ayunt'o.

La comision de terrenos valdios se ha impuesto del espediente promovido por Da. Ramona Carrillo solicitando el parage de Suez, y encuentra ser un terreno baldio q. pertenese a la exmision de la Paña dister de d'ha ex-mision diez leguas poco mas o menos y que no le hace falta por tener muchos mas desocupados que no se haga comprendido en las veinte leguas limitrofes pero si en las diez litorales que espresa la ley de diez i ocho de Ag'to, de 1824, que no es de regadio, y sin de temporal y de la parte de Da. Ramona Carrillo, q. la solicita tiene todos los requisitos que previene la ley para ser atendida en su solicitud por lo que la comision concluye poniendo a la deliberacion del ayun'to

1589

la siguiente proposicion puede consedersele a Da. Ramona Carrillo el terreno conocido con el nombre de Suez.

S'ta Barba., 5 de N'bre, de 1836.

VALENTIN COTA. SANTIAGO LUGO.

S. G. S. P.

En cumplimiento del superior decreto de V. S. de f'ha 31 de F'bre, del presente año, este ayunt'o ynforma a V. S. en yguales terminos que el antecedente dictamen de la comision por ser conforme en todas sus partes.

Santa Barbara, y 7 de N'bre, 1836.

GUILLERMO G. DANA.

Ass'ta: ESTEBAN ORTEGA.
Ass'ta: JOSE MA. GARCIA.

Ex'mo S'or. Gobernador.

En cu'plimiento del supor. decreto de 31 de F'bre, de 1836, informe que pueda consedersele a la interesado el terreno que solicita.

S'ta Barb'a, Marzo 11, de 1837.

JOAQ'N CARRILLO.

S'TA BARBARA, *Ab'l* 6, de 1837.

Vista la peticion con que d'a principio este espediente el informe del iltre. ayuntam'to de este municipalidad con todo lo mas que se tubo presente y res convino, de conformidad con lo dispuerto pr. las leyes y reglam'tos de la materia, se declara a la S'a Da. Ramona Carrillo duena en propiedad del terreno conocido con el nombre de Suez, demarcado en el diseno que acompano a su solicitud y bajo los linderos que en el se espresan sugetandose a condiciones establecidas en la ley de diez ocho de Agosto, de ochocientos veinte cuatro, y al reglamento de veinte cinco de Noviembre de mil ochocientos veinte ocho, librase el despacho corresponte tomese razon en el libro respectivo y dirijon este espediente a la ex'ma deputacion pa. su debida aprobacion en cuyo caso la interesada aquien se le hara saber este decreto presentara meram'te su titulo pa. que se le revalide. Asi el S'or D'n Juan B. Alvarado, gob'dor interino del estado y presidente de la ex'ma diputacion del mismo lo decreto mando y firmo de que doy fe.

JUAN B. ALVARADO.

L. COSMA PENA,
S'rio del Despacho.

En la f'ha interesado le S'ora D'a Ramona Carrillo del superior decreto que antecede dijo que estaba conforme y que compliria con las condiciones que en el se espresan.

RAMONA CARRILLO.

LIEDO COSMA PENA,
S'rio del Despacho.

[*For map see original, page* 69.]

El ciud'no, Juan B. Alvarado, Gobernador interino del estado y Presidente de la ex'ma diputacion del mismo.

Por cuanto Madama Ramona Carrillo, Mejicana por nacim'to, ha pretendido p'a su beneficio personal y el de su familia el terreno conocido con el nombre de Suez, dentro de los linderos senalados en el diseno que acompano a la solicitud de d'ho sitio, practicadas previam'te las diligencias concernientes, segun lo dispuesto p'r leyes y reglam'tos usando de la facultades, que me son conferidas, a nombre de la nacion Mejicana, he venido en concederle el terreno mencionado declarandole la propiedad de el p'r las presentes letras estendiendose d'ho concesion con entera conformidad a lo dispuesto p'r las leyes, a reserva de la aprobacion o desaprovation de la ex'ma diputacion y bajo las condiciones, siguientes.

1a. La agraciada ni sus herederos podran divider ni enagenar el que se le adjudica, imponer censo vinculo, fianza, hypoteca ni otro gravamen, aunque sea p'r causa piadosa ni pasarlo a manos muertos.

2a. Podro cercarlo sin perjudicar las travesias caminos ni servidumbres, lo desfrutara libre y exclusivamente destinandolo al uso o cultivo que mas le acomode.

3a. Cuando se le confirme la propiedad solicitara del juez respectivo le de posecion juridica en virtud de este despacho, p'r el cual se demarcaran sus linderos y pondra sus mohoneras.

4a. El terreno de que se hace donacion espuram'to el que se contiene dentro de los linderos que se demarcan en el diseno que corre agregado en este expediente; y el juez que porecionare a la interesada dara aviso a este gob'no del numero de los sitios que comprende.

En consequencia mando que serviendole de titulo el presente y teniendose p'r firme y valedero se tome razon en el libro que corresponde y se entreque a la interesada p'a su resguardo y demas fines convenientes.

Dado en la ex-mision de Sta. Barb'a a 6 de Abril, de 1837.

ALVARADO.

L. Cosma Pena,
S'rio del Despacho.

Ex'mo. Sor.

La comicion nombrado de t'rras valdios impuesta del exp'dte formada p'r Dona Ramona Carrillo en solicitud del parage nombrado Suez pone a la deliveracion de V. E. la siguiente proposicion.

Se concede a D'a Ramona Carrillo el sitio nombrado Suez p'a q'e

lo posea en propiedad conforme a la ley de 18 de Ag'to, de 1824 y el art'o 5o del reglam'to de 21 de N'bre de 1828.

Sta. Barb'a, 12 de Abril, de 1837.

JOSE A DE LA GUERRA Y CARRILLO.

ANTONIO BUELNA.

STA. BARB'A, *Abril* 19, *de* 1837.

En sesion de este dia aprobo la corporacion la anteced'te proposicion determinando buelva el exped'te al gob'no p'a los fines q'e son conseg'te.

VICTOR PRUDON, *Secreto.* ALVARADO.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and as such having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican Territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify, that the twelve preceding and hereunto annexed pages of tracing paper, numbered from one to twelve inclusive, exhibit a true and accurate copy of a document entitled "Espediente sobre el paraje nombrado Suez, solicitado por D'a Ramona Carrillo, (1837,) 144," now on file, and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed at the city of San Francisco, this nineteenth day of October, 1855.

[L. S.]

JOHN C. HAYS,
U. S. Surveyor General for California.

Endorsed: No. 14. Filed Jan'y 8th, 1857.

C. SIMS, *Clerk.*

Affidavit of Appellee.

No. 14.

In the United States District court for the Southern district of California.

RAMONA CARRILLO DE WILSON, Appellee, ads. THE UNITED STATES, Appellants. } Transcript, No. 41.

Rancho called "Suez," county of San Luis Obispo.

Ramona Carrillo de Wilson, being duly sworn, deposes and says, that in the year 1837 she received from Juan B. Alvarado, then governor of California, a grant of the land called "Suez," as claimed by her in this case; that said document of title was afterwards lost by her husband, Juan Wilson, and a testimonio or certified copy thereof obtained from Manuel Jimeno, the secretary of

the government in the year 1841; that having made diligent search for said original document of title, she cannot find it or produce it in court, but to the best of his knowledge and belief, the said original document of title was lost or destroyed in or about the year 1840, and to the best of her recollection she has never seen it since that time.

RAMONA CARRILLO.

Sworn to and subscribed before me, this 17th day of December, 1856.

ROMUALDO PACHECO,
Co. Judge.

It is stipulated that the within affidavit shall have the same force and effect as if sworn to before a commissioner of the district court of the U. S. for the southern district of California.

P. ORD, *Dist. Att'y.*
HALLECK, PEACHY & BILLINGS,
For Claimant.

Jan'y 8, 1857.

Endorsed: Filed Jan'y 8th, 1857.

C. SIMS, *Clerk.*

Affidavit of John Wilson.

In the District Court of the United States for the Southern district of California.

RAMOMA CARRILLO Y WILSON, Appellee, ads. THE UNITED STATES, Appellants. } No. 14.

John Wilson being duly sworn, deposes and says, that in the year 1835, he contracted marriage with Dona Ramoma Carrillo, the appellee in the above entitled cause; that after said marriage the said Ramoma Carrillo recieved from Juan B. Alvarado, then govenor of California, a grant in due form of a tract of land situated in the county of San Luis Obispo, and known by the name of "Suez," containing about six square leagues; that after receiving said grant, his wife the said Dona Ramoma Carrillo, entrusted to deponent the said grant for safe keeping. That said deponent held the said grant in his possession from the time he received from his said wife up to the year 1840; that since that time he has never seen nor does he know where said grant is. That the same must have been lost by deponent, to the best of his recolection, on some one of his different journeys from place to place in California, as it was his custom at that time to travel more or less, engaged in his business, and on some of these occasions, he was in the habit of taking with him valuable papers.

JOHN WILSON.

Sworn to and subscribed before me, this 29th day of January, 1856.

C. E. CARR, *U. S. Comr.*

Endorsed: Filed Jan'y 8th, 1857.

C. SIMS, *Clerk.*

Index.

THE UNITED STATES, Appellant,
vs.
RAMOMA CARRILLO DE WILSON, Appellee. } No. 14.

The transcript contains—

I. Petition to commissioners, Feby. 12, '53, p. 3.

II. Deposition of J. M. Cavarrubias, proving signatures to title and juridical possession, also that claimant and her family have occupied said land since 1837, with a house, cattle and horses to present time, p. 5.

III. Espediente from suv'r general, pp. 7, 17.

IV. Translation of Espediente, pp. 19, 24.

This Espediente contains petition of claimant to the governor in 1836; map of the land; the favorable reports of the local authorities; the decree of concession, dated April 6, 1837; formal title, dated April 6th, 1837, and approval of departmental junta, dated April 19th, 1837.

V. Certified copy of title given Sept., 1841, and signed by Jimeno, pp. 26, 27.

VI. Proceedings of judicial possession, 27, 32.

VII. Translation of title, 33, 34.

VIII. Translation of juridical possession, 34, 40.

IX. Opinion of commissioners, p. 43.

X. Decree of confirmation, p. 44.

Proceedings in U. S. District Court.

1. Transcript filed June 27, 1854.
2. Notice of appeal by U. S., Nov. 7, 1854.
3. Petition for review, Dec. 9, 1854.
4. Answer, March 12, 1855.
5. (On trial,) traced copy of espediente filed.
6. (On trial,) affidavit of John Wilson as to loss of grant.
7. (On trial,) affidavit of claimant as to loss of grant.

The land asked for in the petition is called "Suez," and described as about 10 leauges distant from the ex-mission of "La Purisima," bounded on the Northwest by the Nipoma, on the N. E. by the Sierra, on the S. E. by Santa Maria, and on the S. W. by the plain called "La Larga," as shown by the map. The land granted is that petitioned for and described in the map, without reference to quantity. The map represents Nipoma on

the N. W., the Sierra on the N. and E., Santa Maria on the S. E., and the plain called "Llana de la Larga," on the south.

By the scale on this map the land is about three leagues long, one league wide at each end, and about two leagues wide in the middle, making in all about five or six leagues.

The juridical possession corresponds to this description and map. From the point of beginning, marked by a cross, in the Llana de la Larga, to the mouth of the Canada 2,800 varas; thence up the Canada to the ridge of the Potrero, 10,000 varas; thence round by the head of the Aroyo de Santa Maria, 20,120, to the point of the table lands in the plain of "La Larga;" thence to the point of beginning, 14,160 varas, the four points being marked with cross. Only two lines of this survey are described as straight; the whole circumference was 47,080, and if in a square form would be more than five leagues, but the lines were irregular and the Alcalde declare the whole area measured to be five leagues and a little more.

Endorsed: Filed Jan'y 8th, 1857.

C. SIMS, *Clerk.*

Deposition of R. Pacheco.

Deposition of Romualdo Pacheco, taken before C. Sims, United States commissioner for the district of California, at the United States court-house in the city of Los Angeles, on Thursday, the 8th of January, A. D. 1857, at 11 o'clock, a. m. by consent and agreement of parties on behalf of the appellee, to be used as testimony on behalf of the claimant in a certain cause now pending in the United States district court for the southern district of California, being case No. 14 on the docket of said court, wherein the United States are appellant, and Ramona Carrillo de Wilson is appellee.

Present P. Ord, U. S. att'y, on behalf of the United States, and F. Billings on behalf of appellee.

RAMONA CARRILLO DE WILSON, Appellee ads. THE UNITED STATES, Appellants. } No. 14.—Transcript 41.

Romualdo Pacheco being duly sworn, deposes and says:

Quest. Do you know the tract of land or rancho claimed in this case, called "Suez?"

Ans. I do.

Quest. Are the boundaries named in the grant, and designated on the map in the espediente, viz., the Sierra Llana de la Larga, Santa Maria and Nipoma, well known localities, and easily distinguished?

Ans. Yes, they are.

Quest. What, if anything, marks the line of Llana de la Larga on the side of Suez, the land claimed, in other words what separates it from Suez?

Ans. A high bank the whole length. Llana de la Larga is a sandy plain, and this bank runs along it, making the boundary.

Quest. What is the Santa Maria?

Ans. The Santa Maria is a river, and well known.

Quest. Is the Canada or paso, or Canada del paso, well known to you? If yea, is it well known and easily distinguished, and where is it especially with reference to Nipoma and Suez.

Ans. It is well known to me, and it is well known and easily distinguished, and is part of the boundary between "Nipoma" and "Suez."

Quest. What is the amount of land included in the boundaries of "Suez," as named in the grant, and designated on the map?

Ans. Five leagues, more or less.

R. PACHECO.

Sworn and subscribed to before me, this 8th day of Jan'y, A. D. 1857.

C. SIMS, *U. S. Com'r.*

United States of America, South'n district of California, county of Las Angeles.

I, C. Sims, United States commissioner for the district of California, hereby certify the foregoing deposition of Romualdo Pacheco was taken before me on the part of appellee, in accordance with the agreement and request of the said attorneys, at the United States court-house in the city of Los Angeles, State of California; that the said Romualdo Pacheco was by me duly sworn according to law, as a witness in said cause in the caption of this deposition mentioned, and after being so sworn his testimony was by me reduced to writing in his presence and that of the said attorneys, and after having been by me carefully read to him and by him corrected as he desired, was by him signed in my presence.

In testimony whereof, I hereto set my hand and affix my private seal, (having no seal of office,) this 8th January, 1857.

[SEAL.]

C. SIMS, *U. S. Com'r.*

Endorsed: No. 14. Filed the 8th January, 1857.
C. SIMS, *Clk.*
Per J. H. COLEMAN, *Dep.*

Minutes of the Court.

January 8th, 1857.

RAMONA CARRILLO DE WILSON, Appellee, ads. THE UNITED STATES, Appellants. } No. 14.—Suez.

Now, on this day, this cause coming on to be heard, the parties appearing by the respective attorneys, the appellants by P. Ord,

U. S. att'y, and the appellee by her att'ys, Halleck, Peachy & Billings, the appellee introduced and filed as evidence a certified copy of the espediente and the affidavit of the appellee, and also of John Wilson, as to loss of original grant; and after argument of counsel aforesaid, is submitted to the court for final adjudication. Whereupon the court, being fully advised in the premises, delivered its opinion affirming the decision of the board of U. States land commissioners, and confirming the claim of the appellee, and a decree was ordered to be entered up in accordance with said opinion, which is accordingly done.

Decree of Affirmation.

United States District Court for the Southern district of California, December Term, 1856.

Hon. Isaac S. K. Ogier, judge.

THE UNITED STATES, Appellant,
vs.
RAMONA CARRILLO DE WILSON, Appellee. } No. 14.

Transcript from the Board of Land Commissioners.—No. 41.

This cause coming on to be heard on the 8th day of January, A. D. 1857, on appeal from the decision of the board of land commissioners to ascertain and settle private land claims in the State of California, upon the transcript of proceedings and decision of said board, and the papers and evidence upon which said decision was founded, all of which were duly filed in this court, and also upon new evidence taken and additional papers filed in this court, and counsel for respective parties having been heard, it is ordered, adjudged, and decreed, that the decision of said board of land commissioners confirming unto the said Ramona Carrillo de Wilson, the appellee above named, the land described in said transcript be and the same is hereby affirmed, and that the title of the said Ramona Carrillo de Wilson to the said land is a good and valid one. The said land is the land described in the grant and marked on the map which is attached to the expediente to which the grant refers, reference being had for further description to the document of juridical possession and measurement, provided that if the quantity of land within the said boundaries exceed eleven square leagues, then there is confirmed to the said Ramona Carrillo de Wilson eleven square leagues thereof, and no more.

ISAAC S. K. OGIER,
U. S. Dist. Judge for the S. dist. of Cal.

Endorsed: No. 14. Filed Jan'y 9th, 1857.

C. SIMS, *Clerk.*

Recorded on page 129.

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Order of Appeal.

In the District Court of the United States for the Southern district of California Los. Angeles, December Term, 1856.

RAMANO CARRILLO DE WILSON, Appellee, ads. UNITED STATES, Appellant. } No. 14. (No. 41 of Transcript.)

On appeal from the United States Land Commission.

On motion of P. Ord, attorney of the United States for the southern district of California, it is hereby ordered by the court that an appeal be granted the United States to the Supreme Court of the United States from the judgment of this court against the said United States in the above entitled cause, rendered on or about the 8th day of January, A. D. 1857.

Feb'y 24, 1857.

Endorsed: No. 14. Filed Feb'y 24th, 1857.

C. SIMS, *Clerk.*

Minutes of the Court.

TUESDAY, 24*th February*, A. D. 1857.

On motion of P. Ord, U. S. dist. att'y, it is ordered that an appeal be allowed in the following case, to wit, No. 14.

UNITED STATES OF AMERICA,
Southern District of California, ss.

I, C. Sims, clerk of the district court of the United States for the southern district of California, do hereby certify, that the first preceding and hereunto annexed forty-four pages, numbered from 1 to 44, both inclusive, do contain a true, full and correct copy of the transcript of the record of proceedings and of the decision of the board of U. S. Land Commissioners to ascertain and settle the private land claims in California, in case No. 41, on the docket of said board, wherein Ramona Carrillo de Wilson is claimant for the place known by the name of "Suez," as the same appears of file in my office. And I do hereby further certify, that the last preceding and hereunto annexed pages, numbered from 45 to 85, both inclusive, do contain a true, full and correct copy of the proceedings, testimony and decision of said district court had in said case, numbered on the docket of said court 14, as the same appears of file and of record in my office.

In witness whereof I have hereunto set my hand and affixed the seal of said court, at Los Angeles, California, this 9th day of June, A. D. 1860, and of the independence of the United States of America, the eighty-fourth.

[SEAL.]

C. SIMS, *Clk.*

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